

## ***What You Need to Know . . . About Importing Your Polar Bear Sport-hunted Trophy***

### ***Do I Need a Permit?***

Yes, the polar bear (*Ursus maritimus*) is protected under the Marine Mammal Protection Act (MMPA) and the Convention on International Trade in Endangered Species (CITES). After you have taken a bear and before you import the trophy, you need to obtain a CITES export permit from the Canadian Management Authority and a MMPA import permit from this office.

### ***Can Bears Taken before the 1994 Amendments be Grandfathered in?***

If you sport hunted a polar bear before April 30, 1994, you may be eligible for an import permit regardless of which population in the Northwest Territories you took the bear. You will need to show the bear was legally taken.

### ***Otherwise What Determines if I Get an Import Permit?***

The MMPA was amended to allow for the issuance of permits to import sport-hunted trophies when the Service has made the following determinations for polar bears taken after April 30, 1994:

- Ⓒ The applicant legally took the polar bear while hunting in Canada.
- Ⓒ Canada has a monitored and enforced sport-hunting program consistent with the purposes of the International Agreement on the Conservation of Polar bears.
- Ⓒ Canada has a sport-hunting program based on scientifically sound quotas ensuring maintenance of the affected population stock at a sustainable level.
- Ⓒ Export from Canada and subsequent import into the United States are consistent with CITES, and not likely to contribute to the illegal trade in bear parts.

In addition, the MMPA prohibits import of marine mammals pregnant near term, or nursing at the time of take.

### ***What Populations Have Been Approved for the Import of Polar Bear Trophies by Permit?***

Southern Beaufort Sea, Northern Beaufort Sea, M'Clintock Channel, Viscount Melville Sound, Western Hudson Bay, Lancaster Sound and Nowegian Bay are approved.

### ***What About the Other Northwest Territory Populations?***

At this time, the Service has not approved Gulf of Boothia, Queen Elizabeth Island, Foxe Basin, Lancaster Sound, Baffin Bay, Norwegian Sound, Kane Basin, Southern Hudson Bay, and Davis Strait. As substantial new scientific or management data become available, the Service will evaluate, after consultation with the Marine Mammal Commission and opportunity for public comment, whether a population can be approved.

### ***What Steps Should I Take to Import a Polar Bear Trophy?***

1. Legally take a polar bear in Canada. If taken after April 30, 1994, the bear must be from an approved population. The Service will not be able to finish processing an application until after the polar bear is taken and all information is available for the Service to make the required findings, i.e., the bear was legally hunted; the gall bladder and its contents were destroyed, etc.
2. Apply for an import permit from this office using the official application form and pay the \$25 standard processing fee. Upon notification of approval, submit the \$1,000 permit issuance fee. The permit will be mailed to you upon receipt of the fee.
3. Obtain a CITES export permit from the Management Authority in Canada. You must present the CITES permit to Canadian Customs to be validated upon export.
4. Check the expiration dates on your import and export permits before having the trophy shipped. You could lose your trophy if it enters the United States after your permits have expired. Import permits are valid for one year, and export permits for six months.
5. Import the trophy through a U.S. port designated for wildlife. Exception to the designated port requirement is only available for full mounts, and only if you have obtained a separate port exception permit from the appropriate Regional Law Enforcement office. You cannot use the international mail to import your trophy.
6. Contact a Service wildlife inspector at the designated port at least 48 hours prior to arrival of your trophy to arrange for trophy inspection, clearance and tagging. The polar bear skull can be imported but should be sufficiently cleaned to allow the Inspector to mark it with permanent ink. You will need to provide the original import and export permits, as well as a completed Declaration for Importation or Exportation of Fish or Wildlife (Form 3-177, obtained at the port) to the Inspector.

### ***Why Do I Have to Pay a Permit Issuance Fee?***

Congress specifically wrote the law so the Service would use issuance fee funds to develop and implement cooperative research and management programs to conserve polar bears in Alaska and Russia. The fee was set at \$1,000 to produce sufficient revenue to implement the conservation provisions in the MMPA.

### ***How Long Will It Take to Get an Import Permit?***

The estimated processing time is 60-90 days. The MMPA requires Federal Register publication of an application's receipt, with a 30-day public comment period. You can help reduce processing time by ensuring that the application is complete and that your polar bear is from an approved population.

### ***What Parts of the Polar Bear Can Be Imported?***

You can import for personal use parts that are traditionally considered to comprise a trophy, including the hide, skull, teeth, claws, baculum, other bones, rugs, and full mounts. Internal organs cannot be imported. Articles made from the specimen such as clothing, curio, jewelry cannot be imported or created from imported parts. Polar bear hides purchased in Canada or received as gifts cannot be imported.



**For Further Information Contact:** Office of Management Authority, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, Room 700, Arlington, VA 22203, phone 703-358-2104 or 1-800-358-2104, fax 703-358-2281; internet <http://international.fws.gov/index.html> (5/99)



**FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION FORM**

**RETURN TO:**

Office of Management Authority  
U.S. Fish and Wildlife Service  
4401 N. Fairfax Drive, Room 700  
Arlington, VA 22203  
1-800-358-2104 or 703-358-2104

**Type of Activity:**

**IMPORT OF SPORT-HUNTED POLAR BEAR TROPHIES**

<b>A. COMPLETE IF APPLYING AS AN INDIVIDUAL</b>			
1. Name:			
2. Street address:			3. County:
4. City, State, Zip code:			
5. Date of birth:	6. Social Security No.:	7. Occupation:	
8. List any business, agency, organizational, or institutional affiliation associated with the wildlife to be covered by this license or permit:			
9. Home telephone number:	10. Work telephone number:	11. Fax number:	12. E:mail address:

<b>B. COMPLETE IF APPLYING AS A BUSINESS, CORPORATION, PUBLIC AGENCY OR INSTITUTION</b>			
1. Name of business, agency or institution:			2. Tax identification no.:
3. Street address:			4. County:
5. City, State, Zip code:			
6. Describe the type of business, agency, or institution:			
7. Name and title of person responsible for permit (president, principal officer, director, etc.):			
8. Home telephone number:	9. Work telephone number:	10. Fax number:	11. E:mail address:

<b>C. ALL APPLICANTS COMPLETE</b>	
1. Do you currently have or have you had any Federal Fish and Wildlife License or Permit? Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, list license or permit numbers:	
2. Have you obtained any required state or foreign government approval to conduct the activity you propose? Yes <input type="checkbox"/> No <input type="checkbox"/> Not required <input type="checkbox"/> If yes, provide a copy of the license or permit.	
3. Enclose check or money order payable to the U.S. FISH AND WILDLIFE SERVICE in the amount of \$25. Institutions which qualify under 50 CFR 13.11(d)(3) may be exempt from fees.	
4. ATTACHMENTS: Complete the additional pages of this application. Application will not be considered complete without these pages. Incomplete applications may be returned.	
5. <b>CERTIFICATION:</b> I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in subchapter B of Chapter I of Title 50, and I further certify that the information submitted in this application for a license or permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement herein may subject me to the criminal penalties of 18 U.S.C. 1001.	
6. Signature (in ink) of applicant or person responsible for permit in Block A or B	7. Date:

**D. IMPORT OF SPORT-HUNTED POLAR BEAR TROPHIES**

1. If you **inherited** the polar bear trophy, provide documents to show that you are the legal heir of the person who personally hunted the polar bear. *Respond to the questions as if you hunted the bear.*
2. Provide the name and address of the person (i.e., taxidermist/tannery) in the United States receiving the polar bear trophy if other than yourself:  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/Country: \_\_\_\_\_
3. Check all parts of the polar bear you plan to import and provide number and size when appropriate:  
☐ Skull    ☐ Baculum/oosik    ☐ Claws (how many? \_\_\_\_)  
☐ Finished rug with claws, approximate size: \_\_\_\_\_  
☐ Full mount with claws, approximate size: \_\_\_\_\_  
☐ Raw or Tanned Hide with claws, approximate size: \_\_\_\_\_  
☐ Other: \_\_\_\_\_
4. The polar bear is: ☐ Male    ☐ Female    ☐ Unknown sex
5. Date you sport hunted the polar bear. Give month and year: \_\_\_\_\_
6. Location you sport hunted the polar bear, including the name of the population and the nearest community.
7. Attach ONE of the following:
  - a. A copy of the NWT hunting license and tag number;
  - b. A copy of the NWT export permit;
  - c. A copy of the Canadian CITES export permit that identifies the polar bear by hunting license and tag number; or
  - d. A certification from the Department of Renewable Resources that you or the decedent legally harvested the polar bear. The document must provide the tag number, location and date where the polar bear was sport hunted.
8. For a female bear, bear of unknown sex, or male bear that is less than 6 feet in length (from tip of nose to the base of the tail) that was **sport hunted after April 30, 1994 and before the 1996/97** NWT polar bear harvest season, provide any available documentation to show the bear was not part of a family group when taken (i.e., certification from the NWT, etc.).
9. **CERTIFICATION:** *I certify that I or the decedent took the polar bear as a personal sport-hunted trophy; I will only use it for personal display purposes; and, for polar bears taken after April 30, 1994, the gall bladder and its contents were destroyed as well as that the bear was not a pregnant female, a female with dependent nursing cubs or a nursing bear (i.e., in a family group), in a den or constructing a den.*  
  
Applicant's signature: \_\_\_\_\_ Date: \_\_\_\_\_
10. List the U.S. port through which the import will occur. Import must be through a designated port for wildlife (see enclosed list), unless authorized for an exception for a full mount trophy.

## POLAR BEAR SPORT-HUNTED TROPHY IMPORT PERMIT APPLICATION INSTRUCTIONS

The following instructions pertain to the standard License/Permit Form 3-200 that must be completed as an application for a U.S. Fish and Wildlife Service polar bear sport-hunted trophy import. Please read the General Permit Procedures (50 CFR 13) sent with this package.

- \* Complete all blocks/lines. Print clearly or type in the information. *A complete application prevents delays!*
- \* Sign the application *in ink* and send an *original* to the address on the top of the application. Faxed copies will not be accepted.
- \* Applications will be processed in the order they are received.
- \* Please plan ahead. Allow 60-90 days for your application to be processed. Notice of the receipt of your application will be published in the Federal Register for a 30-day public comment period as required by the Marine Mammal Protection Act.
- \* Trophy import permits are valid for one (1) year from the date of issuance.

Most of the application form is self-explanatory, but the following may provide further assistance for completing the form.

Block A. **"Complete if applying as an individual"** - Enter the complete name including middle name or initial of the responsible party who will be the permittee if a permit is issued. Include a daytime telephone number. Enter personal information that identifies the applicant. All blocks must be completed. If you are a taxidermist applying on behalf of a client, the personal information must pertain to the client. A notarized document stating power of attorney must be included with the application.

Block C.1 **"Do you currently have or have you had any Federal Fish and Wildlife licenses or permits?"** - List the number of any FWS or CITES permits. If applying for a renewal, the original permit must be returned with this application.

Block C.2 **"Have you obtained any required state or foreign government approval to conduct the activity you propose?"** - Contact the Canadian government to learn their requirements. Check "yes" and list the type of document required. *A CITES permit must be obtained from Canada prior to export.*

Block C.3 **"Check or money order"** - A \$25 fee is required for processing each sport-hunted trophy application. Make the check or money order payable to the **U.S. Fish and Wildlife Service** and attach it to the application form.

Block C.5 **"CERTIFICATION"** - **The individual applicant or person with power of attorney must sign and date** the application in ink. This signature binds that person to the statement of certification. This means that you certify that you read and understood the regulations that apply to the permit. You also certify that everything included in the application is true to the best of your knowledge. Be sure to read the statement and re-read the application before signing.

- \* **Be sure to complete the second page of the application which details your take of the polar bear in Canada.**

If you have additional questions about the application or the regulations, please contact the U.S. Fish and Wildlife Service, Office of Management Authority, 4401 N. Fairfax Drive, Room 700, Arlington, VA 22203, phone: 1-800-358-2104 or 703-358-2104.

## Application for a Federal Fish and Wildlife License/Permit

### PRIVACY ACT - NOTICE

In accordance with the Privacy Act of 1974 (5 U.S.C. 552a), please be advised that:

The gathering of information on fish and wildlife is authorized by: (a) Bald Eagle Protection Act (16 U.S.C. 663a); (b) Endangered Species Act of 1973 (16 U.S.C. 1539); (c) Migratory Bird Treaty Act (16 U.S.C. 703-711); (d) Marine Mammal Protection Act of 1972 (16 U.S.C. 1371-1383); (e) Wild Bird Conservation Act (16 U.S.C. 4901-4916); (f) Lacey Act (18 U.S.C. 42 & 44); and (g) Title 50, Part 13, of the Code of Federal Regulations.

Submission of requested information is required in order to process applications for licenses or permits authorized under the above acts. With the exception of your social security number, failure to provide all requested information may be sufficient cause for the U.S. Fish and Wildlife Service to deny a permit.

Certain applications for permits authorized under the Endangered Species Act of 1973 (16 U.S.C. 1539) and the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371-1383) will be published in the **Federal Register** as required by the two acts.

In the event a violation of a statute, regulation, rule, order, or license, whether civil, criminal, or regulatory in nature is discovered during the application review process, the requested information may be transferred to the appropriate Federal, State, local, or foreign agency charged with investigating or prosecuting such violations.

In the event of litigation involving the records or the subject matter of the records, the requested information may be transferred to the U.S. Department of Justice or appropriate law enforcement authorities.

Information provided in the application may be disclosed to subject matter experts, and State and other Federal agencies, for the sole purpose of obtaining advice relevant to issuance of the permit.

For individuals, personal information such as home address and telephone number, financial data, and personal identifiers (social security number, birth date, etc.) will be removed prior to any release of the application.

### APPLICATION PROCESSING FEE

The fee to process an application for the import of a polar bear sport-hunted trophy is \$25.00. Checks should be made payable to "U.S. Fish and Wildlife Service". The fee applies to permit applications, renewals, and amendments. The processing fees shall not be refunded if the permit is issued or denied, or if the application is abandoned.

The Office of Management Authority may, at its discretion, group parts of a transaction or series of transactions for the purpose of assessing a fee, the general rule being that each part of a transaction requiring separate processing and a separate permit shall require a separate fee. Application fees shall not be additive for parts of a particular transaction or series of transactions if they can be processed and accommodated under one permit, but shall be the greatest amount of any of those parts.

## APPLICATION PROCEDURES -- EXCERPTS FROM 50 CFR 13 -- GENERAL PERMIT PROCEDURES

### Subpart A -- Introduction

#### § 13.1 General.

Each person intending to engage in an activity for which a permit is required by this subchapter B shall, before commencing such activity, obtain a valid permit authorizing such activity. Each person who desires to obtain the permit privileges authorized by this subchapter must make application for such permit in accordance with the requirements of this part 13 and the other regulations in this subchapter which set forth the additional requirements for the specific permits desired. If the activity for which permission is sought is covered by the requirements of more than one part of this subchapter, the requirements of each part must be met. If the information required for each specific permitted activity is included, one application will be accepted for all permits required, and a single permit will be issued.

#### § 13.2 Purpose of regulations.

The regulations contained in this part provide uniform rules, conditions, and procedures for the application for and the issuance, denial, suspension, revocation, and general administration of all permits issued pursuant to this subchapter B.

#### § 13.3 Scope of regulations.

The provisions in this part are in addition to, and are not in lieu of, other permit regulations of this subchapter and apply to all permits issued thereunder, including "Import and Marking" (part 14), ~~"Feather Imports"~~ ["Wild Bird Conservation"] (part 15), "Injurious Wildlife" (part 16), "Endangered Wildlife and Plants" (part 17), "Marine Mammals" (part 18), "Migratory Birds" (part 21), "Eagles" (part 22) and "Endangered Species Convention" (part 23). As used in this part 13, the term "permit" shall refer to either a license, permit, or certificate as the context may require.

#### § 13.4 Emergency variation from requirements.

The Director may approve variations from the requirements of this part when he finds that an emergency exists and that the proposed variations will not hinder effective administration of this subchapter B, and will not be unlawful.

### Subpart B -- Application for Permits

#### § 13.11 Application procedures.

The Service may not issue a permit for any activity authorized by this subchapter B unless the applicant has filed an application in accordance with the following procedures. Applicants do not have to submit a separate application for each permit unless otherwise required by this subchapter.

(a) *Forms.* Applications must be submitted in writing on a Federal Fish and Wildlife License/Permit Application (Form 3-200) or as otherwise specifically directed by the Service.

(b) *Forwarding instructions.* Applications for permits in the following categories should be forwarded to the issuing office indicated below.

(1) Migratory bird banding permits (50 CFR 21.22) -- Bird Banding Laboratory, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Laurel, Maryland 20708. (Special application forms must be used for bird banding permits. They may be obtained by writing to the Bird Banding Laboratory).

(2) Exception to designated port (50 CFR part 14), import/export license (50 CFR 14.93), migratory bird permit, other than banding (50 CFR part 21) and Bald or Golden eagle permits (50 CFR part 22) -- Assistant Regional Director for Law Enforcement of District in which the applicant resides (see 50 CFR 10.22 for addresses and boundaries of the Law Enforcement Districts).

(3) ~~Feather quota~~ [Wild bird conservation] (50 CFR part 15), injurious wildlife (50 CFR part 16), endangered and threatened species (50 CFR part 17), marine mammal (50 CFR part 18) and permits and certificates for the Convention on International Trade in Endangered Species (CITES) (50 CFR part 23) -- U.S. Fish and Wildlife Service, ~~Federal Wildlife Permit Office, P.O. Box 3654,~~ [Office of Management Authority, 4401 N. Fairfax Drive, Room 700,] Arlington, Virginia 22203.

(c) *Time notice.* The Service will process all applications as quickly as possible. However, it cannot guarantee final action within the time limits the applicant requests. Applicants for endangered species and marine mammal permits should submit applications to the Office of Management Authority which are postmarked at least 90 calendar days prior to the requested effective date. Applicants for all other permits should submit applications to the issuing office which are postmarked at least 60 days prior to the requested effective date.

(d) *Fees.* (1) Unless otherwise exempted by this paragraph, applicants for issuance or renewal of permits must pay the required permit processing fee at the time of application. Applicants should pay fees by check or money order made payable to "U.S. Fish and Wildlife Service." The Service will not refund any application fee under any circumstances if the Service has

processed the application. However, the Service may return the application fee if the applicant withdraws the application before the Service has significantly processed it.

(2) Except as provided in paragraph (d)(4) of this section, the fee for processing any application is \$25.00. If regulations in this subchapter require more than one type of permit for an activity, and the permits are issued by the same office, the issuing office may issue one consolidated permit authorizing the activity. The issuing office may charge only the highest single fee for the activity permitted.

(3) A fee shall not be charged to any Federal, State or local government agency, nor to any individual or institution under contract to such agency for the proposed activities. The fee may be waived or reduced for public institutions (see 50 CFR 10.12). Proof of such status must accompany the application.

(4) *Nonstandard fees.*

Marine Mammal (Section 18.31)... 100

(e) *Abandoned or incomplete applications.* Upon receipt of an incomplete or improperly executed application, or if the applicant does not submit the proper fees, the issuing office will notify the applicant of the deficiency. If the applicant fails to supply the correct information to complete the application or to pay the required fees within 45 calendar days of the date of notification, the Service will consider the application abandoned. The Service will not refund any fees for an abandoned application.

### § 13.12 General information requirements on applications for permits.

(a) General information required for all applications. All applications must contain the following information:

(1) Applicant's full name, mailing address, telephone number(s), and,

(i) If the applicant is an individual, the date of birth, height, weight, hair color, eye color, sex, and any business or institutional affiliation of the applicant related to the requested permitted activity; or

(ii) If the applicant is a corporation, firm, partnership, association, institution, or public or private agency, the name and address of the president or principal officer and of the registered agent for the service of process;

(2) Location where the requested permitted activity is to occur or be conducted;

(3) Reference to the part(s) and section(s) of this subchapter B as listed in paragraph (b) of this section under which the application is made for a permit or permits, together with any additional justification, including supporting documentation as required by the referenced part(s) and section(s);

(4) If the requested permitted activity involves the import or re-export of wildlife or plants from or to any foreign country, and the country of origin, or the country of export or re-export restricts the taking, possession, transportation, exportation, or sale of wildlife or plants, documentation as indicated in § 14.52(c) of this subchapter B;

(5) Certification in the following language:

I hereby certify that I have read and am familiar with the regulations contained in title 50, part 13, of the Code of Federal Regulations and the other applicable parts in subchapter B of chapter I of title 50, Code of Federal Regulations, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement herein may subject me to suspension or revocation of this permit and to the criminal penalties of 18 U.S.C. 1001.

(6) Desired effective date of permit except where issuance date is fixed by the part under which the permit is issued;

(7) Date;

(8) Signature of the applicant; and

(9) Such other information as the Director determines relevant to the processing of the application.

(b) *Additional information required on permit applications.* As stated in paragraph (a)(3) of this section certain additional information is required on all applications. These additional requirements may be found by referring to the section of this subchapter B cited after the type of permit for which application is being made:

<u>Type of permit</u>	<u>Section</u>
Feather import quota [Wild bird conservation]	15.22
Importation or entry ...	15.25
Injurious wildlife	
Importation or shipment ...	16.22
Endangered wildlife and plant permits:	
Similarity of appearance ...	17.52
Scientific, enhancement of propagation or survival, incidental taking for wildlife...	17.22
Scientific, propagation, or survival for plants ...	17.62
Economic hardship for wildlife ...	17.23
Economic hardship for plants ...	17.63
Threatened wildlife and plant permits:	
Similarity of appearance ...	17.52



General for wildlife ...	17.32
American alligator--buyer or tanner...	17.42(a)
General for plants .....	17.72
Marine mammals permits:	
Scientific research .....	18.31
Public display .....	18.31
Endangered Species Convention permits...	23.15

## Subpart C -- Permit Administration

### § 13.21 Issuance of permits.

(a) No permit may be issued prior to the receipt of a written application therefor, unless a written variation from the requirements, as authorized by § 13.4, is inserted into the official file of the Bureau. An oral or written representation of an employee or agent of the United States Government, or an action of such employee or agent, shall not be construed as a permit unless it meets the requirements of a permit as defined in 50 CFR 10.12.

(b) Upon receipt of a properly executed application for a permit, the Director shall issue the appropriate permit unless:

(1) The applicant has been assessed a civil penalty or convicted of any criminal provision of any statute or regulation relating to the activity for which the application is filed, if such assessment or conviction evidences a lack of responsibility.

(2) The applicant has failed to disclose material information required, or has made false statements as to any material fact, in connection with his application;

(3) The applicant has failed to demonstrate a valid justification for the permit and a showing of responsibility;

(4) The authorization requested potentially threatens a wildlife or plant population, or

(5) The Director finds through further inquiry or investigation, or otherwise, that the applicant is not qualified.

(c) *Disqualifying factors.* Any one of the following will disqualify a person from receiving permits issued under this Part.

(1) A conviction, or entry of a plea of guilty or nolo contendere, for a felony violation of the Lacey Act, the Migratory Bird Treaty Act, or the Bald and Golden Eagle Protection Act disqualifies any such person from receiving or exercising the privileges of a permit, unless such disqualification has been expressly waived by the Director in response to a written petition.

(2) The revocation of a permit for reasons found in §13.28 (a)(1) or (a)(2) disqualifies any such person from receiving or exercising the privileges of a similar permit for a period of five years from the date of the final agency decision on such revocation.

(3) The failure to pay any required fees or assessed costs and penalties, whether or not reduced to judgement disqualifies such person from receiving or exercising the privileges of a permit as long as such moneys are owed to the United States. This requirement shall not apply to any civil penalty presently subject to administrative or judicial appeal; provided that the pendency of a collection action brought by the United States or its assignees shall not constitute an appeal within the meaning of this subsection.

(4) The failure to submit timely, accurate, or valid reports as required may disqualify such person from receiving or exercising the privileges of a permit as long as the deficiency exists.

(d) *Use of supplemental information.* The issuing officer, in making a determination under this subsection, may use any information available that is relevant to the issue. This may include any prior conviction, or entry of a plea of guilty or nolo contendere, or assessment of civil or criminal penalty for a violation of any Federal or State law or regulation governing the permitted activity. It may also include any prior permit revocations or suspensions, or any reports of State or local officials. The issuing officer shall consider all relevant facts or information available, and may make independent inquiry or investigation to verify information or substantiate qualifications asserted by the applicant.

(e) *Conditions of issuance and acceptance.* (1) Any permit automatically incorporates within its terms the conditions and requirements of Subpart D of this part and of any part(s) or section(s) specifically authorizing or governing the activity for which the permit is issued.

(2) Any person accepting and holding a permit under this Subchapter B acknowledges the necessity for close regulation and monitoring of the permitted activity by the Government. By accepting such permit, the permittee consents to and shall allow entry by agents or employees of the Service upon premises where the permitted activity is conducted at any reasonable hour. Service agents or employees may enter such premises to inspect the location; any books, records, or permits required to be kept by this Subchapter B; and any wildlife or plants kept under authority of the permit.

(f) *Term of permit.* Unless otherwise modified, a permit is valid during the period specified on the face of the permit. Such period shall include the effective date and the date of expiration.

(g) *Denial.* The issuing officer may deny a permit to any applicant who fails to meet the issuance criteria set forth in this section or in the part(s) or section(s) specifically governing the activity for which the permit is requested.

### § 13.22 Renewal of permits.

(a) *Application for renewal.* Applicants for renewal of a permit must submit a written application at least 30 days prior to the expiration date of the permit. Applicants must certify in the form required by § 13.12(a)(5) that all statements and information in the original application remain current and correct, unless previously changed or corrected. If such information is no longer current or correct, the applicant must provide corrected information.

(b) *Renewal criteria.* The Service shall issue a renewal of a permit if the applicant meets the criteria for issuance in § 13.21(b) and is not disqualified under § 13.21(c).

(c) *Continuation of permitted activity.* Any person holding a valid, renewable permit, who has complied with this section, may continue the activities authorized by the expired permit until the Service has acted on such person's application for renewal.

(d) *Denial.* The issuing officer may deny renewal of a permit to any applicant who fails to meet the issuance criteria set forth in § 13.21 of this part, or in the part(s) or section(s) specifically governing the activity for which the renewal is requested.

### **§ 13.23 Amendment of permits.**

(a) *Permittee's request.* Where circumstances have changed so that a permittee desires to have any condition of his permit modified, such permittee must submit a full written justification and supporting information in conformity with this part and the part under which the permit was issued.

(b) *Service reservation.* The Service reserves the right to amend any permit for just cause at any time during its term, upon written finding of necessity.

(c) *Change of name or address.* A permittee is not required to obtain a new permit if there is a change in the legal individual or business name, or in the mailing address of the permittee. A permittee is required to notify the issuing office within 10 calendar days of such change. This provision does not authorize any change in location of the conduct of the permitted activity when approval of the location is a qualifying condition of the permit.

### **§ 13.24 Right of succession by certain persons.**

(b) In order to secure the right provided in this section the person or persons desiring to continue the activity shall furnish the permit to the issuing officer for endorsement within 90 days from the date the successor begins to carry on the activity.

(CFR 10/1/97)

# **POLAR BEAR SPORT-HUNTED TROPHY IMPORT PERMITS -- EXCERPTS FROM 50 CFR 18 -- MARINE MAMMALS**

## **Subpart A -- Introduction**

### **§ 18.1 Purpose of regulations.**

The regulations contained in this part implement the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), which among other things, restricts the taking, possession, transportation, selling, offering for sale, and importing of marine mammals.

## **Subpart B -- Prohibitions**

### **§ 18.12 Prohibited importation.**

(a) Except as otherwise provided in subparts C and D of this part 18, it is unlawful for any person to import any marine mammal or marine mammal product into the United States.

### **§ 18.13 Prohibited uses, possession, transportation, and sales.**

Except as otherwise provided in the Act or these regulations, it is unlawful for:

- (a) Any person to use any port, harbor, or other place under the jurisdiction of the United States for any purpose in any way connected with a prohibited taking or any unlawful importation of any marine mammal or marine mammal products;
- (b) Any person to possess any marine mammal, or product therefrom, taken in violation of the Act or these regulations;
- (c) Any person to transport, purchase, sell, or offer to purchase or sell any marine mammal or marine mammal product; or
- (d) Any person subject to the jurisdiction of the United States to use in a commercial fishery, any means or method of fishing in contravention of regulations and limitations issued by the Secretary of Commerce for that fishery to achieve the purposes of this Act.

## **Subpart D -- General Exceptions**

### **§ 18.30 Polar bear sport-hunted trophy import permits.**

(a) *Application procedure.* You, as the hunter or heir of the hunter's estate, must submit an application for a permit to import a trophy of a polar bear taken in Canada to the U.S. Fish and Wildlife Service, Office of Management Authority, 4401 N. Fairfax Drive, [Room 700], Arlington, Virginia 22203. You must use an official application (Form 3-200) provided by the Service and must include as an attachment all of the following additional information:

- (1) Certification that:
  - (i) You or the deceased hunter took the polar bear as a personal sport-hunted trophy;
  - (ii) You will use the trophy only for personal display purposes;
  - (iii) The polar bear was not a pregnant female, a female with dependent nursing cub(s) or a nursing cub (such as in a family group), or a bear in a den or constructing a den when you took it; and
  - (iv) For a polar bear taken after April 30, 1994, you made sure the gall bladder and its contents were destroyed;
- (2) Name and address of the person in the United States receiving the polar bear trophy if other than yourself;
- (3) For a polar bear received as an inheritance, documentation to show that you are the legal heir of the decedent who took the trophy;
- (4) Proof that you or the decedent legally harvested the polar bear in Canada as shown by one of the following:
  - (i) A copy of the Northwest Territories (NWT) hunting license and tag number;
  - (ii) A copy of the Canadian CITES export permit that identifies the polar bear by hunting license and tag number;
  - (iii) A copy of the NWT export permit; or
  - (iv) A certification from the Department of Renewable Resources, Northwest Territories, that you or the decedent legally harvested the polar bear, giving the tag number, location (settlement and population), and season you or the decedent took the bear;
- (5) An itemized description of the polar bear parts you wish to import, including size and the sex of the polar bear;
- (6) The month and year the polar bear was sport hunted;
- (7) The location (nearest settlement or community) where the bear was sport hunted;
- (8) For a female bear or a bear of unknown sex that was taken before January 1, 1986, documentary evidence that the bear was not pregnant at the time of take, including, but not limited to, documentation, such as a hunting license or travel itinerary, that shows the bear was not taken in October, November, or December or that shows that the location of the hunt did not include an area that supported maternity dens; and
- (9) For a female bear, bear of unknown sex, or male bear that is less than 6 feet in length (from tip of nose to the base of the tail) that was taken prior to the 1996/97 NWT polar bear harvest season, available documentation to show that the bear

was not nursing, including, but not limited to, documentation, such as a certification from the NWT, that the bear was not taken while part of a family group.

(b) *Definitions.* In addition to the definitions in this paragraph, the definitions in 50 CFR 10.12, 18.3, and 23.3 apply to this section.

(1) *Sport-hunted trophy* means a mount, rug or other display item composed of the hide, hair, skull, teeth, baculum, bones, and claws of the specimen which was taken by the applicant or decedent during a sport hunt for personal, noncommercial use and does not include any internal organ of the animal, including the gall bladder. Articles made from the specimen, such as finished or unfinished, worked, manufactured, or handicraft items for use as clothing, curio, ornamentation, jewelry, or as a utilitarian item are not considered trophy items.

(2) *Management agreement* means a written agreement between parties that share management responsibilities for a polar bear population which describes what portion of the harvestable quota will be allocated to each party and other measures which may be taken for the conservation of the population, such as harvest seasons, sex ratio of the harvest, and protection of females and cubs.

(c) *Procedures for issuance of permits and modification, suspension or revocation of permits.* We, the Service, shall suspend, modify or revoke permits issued under this section:

(1) In accordance with regulations contained in § 18.33; and

(2) If, in consultation with the appropriate authority in Canada, we determine that the sustainability of Canada's polar bear populations is being adversely affected or that sport hunting may be having a detrimental effect on maintaining polar bear populations throughout their range.

(d) *Issuance criteria.* In deciding whether to issue an import permit for a sport-hunted trophy, we must determine in addition to the general criteria in part 13 of this subchapter whether:

(1) You previously imported the specimen into the United States without a permit;

(2) The specimen meets the definition of a sport-hunted trophy in paragraph (b) of this section;

(3) You legally harvested the polar bear in Canada;

(4) Canada has a monitored and enforced sport-hunting program consistent with the purposes of the 1973 International Agreement on the Conservation of Polar Bears;

(5) Canada has a sport-hunting program, based on scientifically sound quotas, ensuring the maintenance of the affected population at a sustainable level; and

(6) The export and subsequent import:

(i) Are consistent with the provisions of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and other international agreements and conventions; and

(ii) Are not likely to contribute to illegal trade in bear parts, including for bears taken after April 30, 1994, that the gall bladder and its contents were destroyed.

(e) *Additional permit conditions.* Your permit to import a sport-hunted trophy of a polar bear taken in Canada is subject to the permit conditions outlined in § 18.31.

(d) and the following additional permit conditions:

(1) You, the permittee, may not import internal organs of the polar bear, including the gall bladder;

(2) After import you may not alter or use the trophy in a manner inconsistent with the definition of a sport-hunted polar bear trophy as given in § 18.30(b);

(3) You may not import a sport-hunted trophy if the polar bear at the time you or the decedent took it was:

(i) A nursing bear or a female with nursing young (i.e., part of a family group);

(ii) A pregnant female; or

(iii) A bear moving into a den or in a den;

(4) You must present to Service personnel at the time of import a valid CITES document from the country of export or re-export;

(5) You must comply with the following import procedures:

(i) Import the sport-hunted trophy through a designated port for wildlife imports (see § 14.12 of this subchapter) during regular business hours, except for full mount trophies that have been granted an exception to designated port permit requirements under § 14.32 of this subchapter;

(ii) Not send the trophy through the international mail; and

(iii) Notify Service personnel at the port at least 48 hours before the import (see § 14.54 of this subchapter) and make arrangements for Service personnel to affix a tag in accordance with paragraph (e)(7) of this section prior to being cleared (see § 14.52 of this subchapter);

(6) You must import all parts of a single trophy at the same time;

(7) The following tagging/markings procedures apply:

(i) Service personnel must affix a permanently locking tag that contains a unique serial number and the common name "polar bear" to the hide which must remain fixed indefinitely to the hide as proof of legal import; and

(ii) Service personnel must permanently mark upon import the parts of the trophy other than the hide, such as the skull and bones, with the hide tag number; and

(8) If the tag comes off the hide, you must within 30 days:

(i) Contact the nearest Service office at a designated port or a Law Enforcement office as given in § 10.22 of this subchapter to schedule a time to present the trophy for retagging;

(ii) Provide as proof that the trophy had been tagged and legally imported a copy of the:

(A) Canceled CITES export permit or re-export certificate;

(B) Cancelled U.S. import permit issued under this section; or

(C) Cleared wildlife declaration form (3-177); and

(iii) Present either the broken tag, or if the tag was lost, a signed written explanation of how and when the tag was lost.

(f) *Duration of permits.* The permit will be valid for no more than one year from the date of issuance.

(g) *Fees.*

(1) You must pay the standard permit processing fee as given in § 13.11(4) when filing an application.

(2) You must pay the issuance fee of \$1,000 when we notify you the application is approved. We cannot issue an import permit until you pay this fee. We will use the issuance fee to develop and implement cooperative research and management programs for the conservation of polar bears in Alaska and Russia under section 113(d) of the Marine Mammal Protection Act.

(h) *Scientific review.* (1) We will undertake a scientific review of the impact of permits issued under this section on the polar bear populations in Canada within 2 years of March 20, 1997.

(i) The review will provide an opportunity for public comment and include a response to the public comment in the final report; and

(ii) We will not issue permits under this section if we determine, based upon scientific review, that the issuance of permits under this section is having a significant adverse impact on the polar bear populations in Canada; and

(2) After the initial review, we may review whether the issuance of permits under this section is having a significant adverse impact on the polar bear populations in Canada annually in light of the best scientific information available. The review must be completed no later than January 31 in any year a review is undertaken.

(i) *Findings.* Polar bear sport-hunted trophies may only be imported after issuance of an import permit, and in accordance with the following findings and conditions:

(1) We have determined that the Northwest Territories, Canada, has a monitored and enforced sport-hunting program that meets issuance criteria of paragraphs (d)(4) and (5) of this section for the following populations: Southern Beaufort Sea, Northern Beaufort Sea, Viscount Melville Sound (subject to the lifting of the moratorium in this population), Western Hudson Bay, and M'Clintock Channel, and that:

(i) For the Southern Beaufort Sea population, no bears are taken west of the equidistant line of the Beaufort Sea;

(ii) For all populations, females with cubs, cubs, or polar bears moving into denning areas or already in dens are protected from taking by hunting activities; and

(iii) For all populations, management agreements among all management entities with scientifically sound quotas are in place; and

(2) Any sport-hunted trophy taken in the Northwest Territories, Canada, between December 21, 1972, and April 30, 1994, may be issued an import permit when:

(i) From an approved population listed in paragraph (i)(1); and

(ii) The issuance criteria of paragraph (d)(1), (2), (3), and (6) of this section are met.

### **§ 18.33 Procedures for issuance of permits and modification, suspension or revocation thereof.**

(a) Whenever application for a permit is received by the director which the director deems sufficient, he shall, as soon as practicable, publish a notice thereof in the FEDERAL REGISTER. Such notice shall set forth a summary of the information contained in such application. Any interested party may, within 30 days after the date of publication of such notice, submit to the director his written data or views with respect to the taking or importation proposed in such application and may request a hearing in connection with the action to be taken thereon.

(b) If the request for a hearing is made within the 30-day period referred to in paragraph (a) of this section, or if the director determines that a hearing would otherwise be advisable, the director may, within 60 days after the date of publication of the notice referred to in paragraph (a) of this section, afford to such requesting party or parties an opportunity for a hearing. Such hearing shall also be open to participation by any interested members of the public. Notice of the date, time, and place of such hearing shall be published in the FEDERAL REGISTER not less than 15 days in advance of such

hearing. Any interested person may appear in person or through representatives at the hearing and may submit any relevant material, data, views, comments, arguments, or exhibits. A summary record of the hearing shall be kept.

(c) As soon as practicable but not later than 30 days after the close of the hearing (or if no hearing is held, as soon as practicable after the end of the 30 days succeeding publication of the notice referred to in paragraph (a) of this section the director shall issue or deny issuance of the permit. Notice of the decision of the director shall be published in the FEDERAL REGISTER within 10 days after the date of such issuance or denial. Such notice shall include the date of the issuance or denial and indicate where copies of the permit, if issued, may be obtained.

(d) Any permit shall be subject to modification, suspension, or revocation by the director in whole or in part in accordance with these regulations and the terms of such permits. The permittee shall be given written notice by registered mail, return receipt requested, of any proposed modification, suspension, or revocation. Such notice shall specify:

(1) The action proposed to be taken along with a summary of the reasons therefor;

(2) In accordance with 5 U.S.C. 558, the steps which the permittee may take to demonstrate or achieve compliance with all lawful requirements; and

(3) That the permittee is entitled to a hearing thereon if a written request for such a hearing is received by the Director within 10 days after receipt of the aforesaid notice or such other later date as may be specified in the notice to the permittee. The time and place of the hearing, if requested by the permittee, shall be determined by the director and a written notice thereof given to the permittee by registered mail, return receipt requested, not less than 15 days prior to the date of hearing specified. The director may, in his discretion, allow participation at the hearing by interested members of the public. The permittee and other parties participating may submit all relevant material, data, views, comments, arguments, and exhibits at the hearing. A summary record shall be kept of any such hearing.

(e) The Director shall make a decision regarding the proposed modification, suspension, or revocation, as soon as practicable after the close of the hearing, or if no hearing is held, as soon as practicable after the close of the 10 day period during which a hearing could have been requested. Notice of the modification, suspension, or revocation shall be published in the FEDERAL REGISTER within 10 days from the date of the Director's decision. In no event shall the proposed action take effect until notice of the Director's decision is published in the FEDERAL REGISTER.

(CFR 10/1/97)

## **AMENDMENT OF THE MARINE MAMMAL PROTECTION ACT**

### **Excerpt from H.R. 1871 - Signed June 12, 1997**

Sec. 5004. Paragraph (5) of section 104(c) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1374(c)(5)) is amended as follows:

(1) In subparagraph (A), by striking “, including polar bears taken but not imported prior to the date of enactment of the Marine Mammal Protection Act Amendments of 1994,”.

(2) By adding the following new subparagraph at the end thereof:

“(D) The Secretary of the Interior shall, expeditiously after the expiration of the applicable 30 day period under subsection (d) (2), issue a permit for the importation of polar bear parts (other than internal organs) from polar bears taken in sport hunts in Canada before the date of enactment of the Marine Mammal Protection Act Amendments of 1994, to each applicant who submits, with the permit application, proof that the polar bear was legally harvested in Canada by the applicant. The Secretary shall issue such permits without regard to the provisions of subparagraphs (A) and (C) (ii) of this paragraph, subsection (d) (3), and sections 101 and 102. This subparagraph shall not apply to polar bear parts that were imported before the effective date of this subparagraph”.